

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Application of Atty. Docket

WILLIAM J. OSSMANN

US010394

Serial No. 09/919,232

Group Art Unit: 2834

Filed: JULY 31, 2001

Examiner:

Title: ULTRASOUND TRANSDUCER

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO PAY ISSUE FEE AND PUBLICATION FEE
UNDER 37 CFR §1.181(a)

Sir:

Applicant requests that the Patent and Trademark Office withdraw the Notice of Abandonment (attached as Exhibit A) dated May 11, 2006 in this patent application for failure to pay the required Issue Fee and Publication Fee.

Specifically, on January 19, 2006, in response to the Notice of Allowance dated December 23, 2006, Applicant submitted to the Patent and Trademark Office an Issue Fee transmittal form PTOL 85B (attached as Exhibit B), with a signature at the bottom authorizing payment of the issue fee; filled in box 4a for the Publication Fee and a Certificate of Transmission.

The Certificate of Transmission certifies that the Issue Fee was properly mailed on January 19, 2006 and well within the

three months permitted to respond to the Notice of Allowance before abandonment of the application.

The Auto-Reply Facsimile Transmission (attached as Exhibit C) indicates that the Issue Fee Transmittal form was received by the mailroom on January 19, 2006.

Accordingly, it is requested that the payment of the Issue Fee and Publication Fee be entered and that the Notice of Abandonment dated May 11, 2006 be withdrawn and respectfully requests that this application be passed to issue.

Respectfully submitted,

By 

Aaron Waxler, Reg. 48,027
Senior Patent Counsel
(914) 333-9608

Encl.:

Exh. A: Copy of Notice of Abandonment dated May 11, 2006
Exh. B: Issue Fee transmittal form PTOL 85B
Exh. C: Copy of Auto-Reply Facsimile Transmission

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:
COMMISSIONER FOR PATENTS
Alexandria, VA 22313

On August 2, 2006

By Noemi Chapa



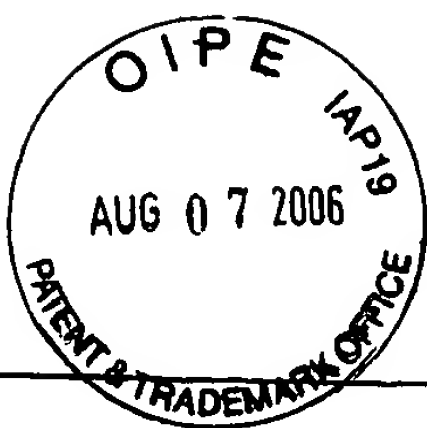
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,232	07/31/2001	William J. Ossmann	US010394	5552
24737	7590	05/11/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			BUDD, MARK OSBORNE	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/919,232

Examiner

BUDD, MARK OSBORNE

Applicant(s)

William J. Ossmann

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.